



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Order Filed on September 7, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

BAV AUTO, L.L.C.

Debtor-in-Possession.

Chapter 11
(Subchapter V Small Business)

Hon. John K. Sherwood

Case No. 22-17933 JKS

**ALEXANDRE DACOSTA and
VIVIANNE ANTUNES**

Debtors-in-Possession.

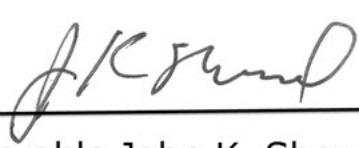
Case No. 22-18303 JKS

**CONSENT ORDER LIFTING THE AUTOMATIC STAY AS TO SECURED
CREDITOR, AUTOMOTIVE FINANCE CORPORATION**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby

ORDERED.

DATED: September 7, 2023


Honorable John K. Sherwood
United States Bankruptcy Court

In Re: BAV AUTO, L.L.C. & ALEXANDRE DACOSTA and VIVIANNE ANTUNES

Case no.: 22-17933 JKS / 22-18303 JKS

Caption of Order: **CONSENT ORDER LIFTING THE AUTOMATIC STAY AS TO SECURED CREDITOR, AUTOMOTIVE FINANCE CORPORATION**

THIS MATTER, having come before the court by the mutual consent of BAV AUTO, L.L.C. (“Debtor”), by and through its counsel, The Law Offices Of Steven D. Pertuz, LLC, Steven D. Pertuz, Esq. appearing, and Automotive Finance Corporation (“AFC”), by and through its counsel, Donna Thompson, Esq., appearing, for entry of a Consent Order lifting the automatic stay to allow for secured creditor, AFC, to recover certain vehicles specifically listed below and currently in the possession of the Debtor in order to finalize the orderly liquidation of its assets pursuant to a filed Joint Plan of Reorganization filed on January 4, 2023 and as subsequently amended forthwith, and any other related relief specifically referenced and consented hereto, and the Court having considered the application, and for good cause having been shown for the entry of this order, it is hereby,

ORDERED that the automatic stay pursuant to 11 USC §362 be and is hereby lifted and terminated as to allow AFC to immediately take the necessary steps to recover all of its existing collateral currently being held by the Debtor at its lot located at 1829 State Highway Route 1, Rahway, NJ, (“AFC Vehicles”) specifically but not limited to:

- 1) 2013 Hyundai Genesis (VIN # KMHHT6KD9DU109709)
- 2) 2012 Jeep Grand Cherokee (VIN # 1C4RJFAG5CC154757)

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- 3) 2011 Infiniti M37 (VIN # JN1BY1AR1BM370943)
- 4) 2011 BMW 3 Series (VIN # WBAPK7C54BA972932)
- 5) 2009 Chevy Traverse (VIN # 1GNEV23D59S103943); and
- 6) any other AFC vehicles that AFC has a valid and perfected lien which is located at
1829 State Highway Route 1, Rahway, NJ; and it is further

ORDERED that AFC shall retain and reserve all rights it has as to the Debtor and this consent order shall not amend or alter any of those rights; and it is further

ORDERED that the parties may execute any and all documents necessary to carry out the proper transfer of the AFC Vehicles back to AFC and any terms of this Consent Order without further order of the Bankruptcy Court; and it is further

ORDERED that, upon the sale of the AFC Vehicles at auction, private sale, wholesale or by any other means, AFC shall apply all sale proceeds of the recovered AFC Vehicles and any reserve funds held to the total outstanding balance owed to AFC and said balance owed shall be reduced accordingly; and it further

ORDERED that, if the case is severed or converted to a case under any other chapter of Title 11, the relief granted under this Order lifting the automatic stay remains valid and effective, without need for any further order of the Bankruptcy Court, and it should be binding on any subsequently appointed trustees in the converted case; and it is further

In Re: BAV AUTO, L.L.C. & ALEXANDRE DACOSTA and VIVIANNE ANTUNES

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ORDERED that, if the Debtor's bankruptcy case is dismissed, the relief granted under this Order will remain valid and effective without need for further order of the Bankruptcy Court in any subsequent filed bankruptcy case.

I hereby consent to the form and entry of the above Order.

/s/ Steven D. Pertuz
STEVEN D. PERTUZ, ESQ.
LAW OFFICES OF STEVEN D. PERTUZ, LLC
Attorneys for BAV AUTO, L.L.C.

Dated: 8/28/23

/s/ Donna Thompson
DONNA THOMPSON, ESQ.
Attorney for AUTOMOTIVE FINANCE CORP.

Dated: 8/28/23